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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000595

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DEPARTMENT FOR EUR(DICARLO), EUR/SCE(HOH/FOOKS); NSC FOR BRAUN

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SUBJECT: BOSNIA - SILAJDZIC BLOCKS POLICE REFORM DEAL

REF: A. SARAJEVO 552

1B. SARAJEVO 492

1C. SARAJEVO 456

1D. SARAJEVO 444

Classified By: Ambassador McElhaney. Reason 1.4(b) and (d)

11. (C) SUMMARY: March 12 police reform talks organized by High Representative Schwarz-Schilling collapsed after Bosniak member of the Tri-Presidency Haris Silajdzic refused an offer from Republika Srpska PM Milorad Dodik to transfer competency and authority for the RS police to the state, provided the name "RS Police" was kept in some form. Party for Democratic Action (SDA) President Sulejman Tihic seemed willing to explore the proposal, but in the end sided with Silajdzic rather than risk splitting the Bosniak negotiating team. The EC Ambassador made clear that resolving outstanding issues was a prerequisite for initializing the Stabilization and Association Agreement (SAA). Agreeing to the Police Reform Directorate (PRD) report would not be enough. Silajdzic's stubborn refusal to countenance even a reference to the RS in police reform legislation has emerged as perhaps the biggest obstacle to a police reform deal (assuming Dodik does not now withdraw his March 12 proposal). END SUMMARY

12. (C) On March 14, the High Representative made a last ditch attempt to reach a deal on police reform by convening talks involving Party for Democratic Action (SDA) President Sulejman Tihic, Bosniak member of the Tri-Presidency and members of Party for BiH (SBiH) Haris Silajdzic, Republika Srpska (RS) Prime Minister and President of the Alliance of Independent Social Democrats (SNSD), and Party for Democratic Progress (PDP) President Mladen Ivanic. Principal Deputy High Representative Raffi Gregorian, the U.S. and European Commission (EC) Ambassadors, and Head of the European Police Mission (EUPM) General Coppola also participated in the talks. Prior to the talks PDHR Gregorian AND Ambassador had had a series of bilateral meetings with the participants as well as other political leaders to explore possible compromises on issues separating the parties.
Agreement on Police Report Not Enough to Initial AA

13. (C) At the outset, the EC Ambassador stressed that approval by the parties of the Police Reform Directorate's (PRD) report and the draft "Agreement on Implementation and Timelines for Police Reform" would not be sufficient for the EC to initial a Stabilization and Association Agreement (SAA) with Bosnia. Though all parties agree that the PRD report is a good basis for moving forward, it is clear that significant

areas of disagreement remain, he said. Only once these outstanding issues have been resolved and the parties have some way to deal with the undefined areas of the report could the EC Delegation recommend to EC Commissioner Rehn that the SAA be initiated. The EC would not dictate how parties resolved their outstanding issues, the EC Ambassador concluded, adding, the only requirement is that the compromises reached are consistent with the three EC principles. Silajdzic complained that he had been led to believe agreement on the PRD report and implementation timeline was enough for the EC and asked why the EC had changed its position. The EC Ambassador replied that Commissioner Rehn "would not take the risk" of initiating the SAA without "a genuine agreement on police reform."

Dodik Makes Major Concession

¶4. (C) The biggest impediment to agreement prior to the March 14 talks had been the unwillingness of RS PM Dodik to unequivocally accept the first EU principle and its legal consequences that all local police bodies would have the status of administrative organs of the Bosnian state (under the Ministry of Security). Dodik balked at engaging in a line-in, line-out discussion of a detailed set of papers prepared by OHR on other outstanding issues. The papers outlined how proposals offered by both Bosniak and Serb parties could be made consistent with the EC principles and included 1) Creation of a High Council for Local Police; 2) How members of the Independent Police Board would be nominated; 3) Creation of an Office of the Inspector General; 4) The responsibilities of Assistant Directors of Police; 5)

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Organization of Local Police Bodies; 6) Creation of a Local Police body for Srebrenica; 7) Creation of a Local Police Body covering the greater Sarajevo metropolitan area, and; 8) A proposal for transitioning budgetary responsibilities to the state modeled on the defense reform process.

¶5. (C) Instead, Dodik said that detailed exchanges along the lines proposed by OHR were pointless without agreement on fundamental issues. With that in place, all aspects of the OHR's proposals could be accepted by the RS, he added. (Note: With the exception of OHR's proposal to create a greater Sarajevo police body, Dodik was quick to add. End Note.) Dramatically, Dodik then announced that he would accept a state law that established and regulated local police operating within the territory of the RS under the direction of a BiH Director of Police and the Ministry of Security as specified in the PRD report. However, the name "RS Police" needed to remain connected to the local police body or bodies responsible for policing the territorial units within the RS, he added, but repeating that these forces would be under the command and control of the Ministry of Security, not the RS government. (Note: Ivanic did not endorse Dodik's proposal. End Note.)

Tihic Sees the Opening, but Silajdzic Kills the Deal

¶6. (C) Tihic responded by suggesting that the territory of the RS should contain more than one local police body rather than a single police body (e.g., local police forces headquartered in Banja Luka, Prijedor, Trebinje). He also stressed the importance that one of those police bodies be based in Srebrenica. Dodik accepted Tihic's proposal to create a Srebrenica police body (Comment: And therefore implicitly Tihic's proposal to create more than one police body within the RS. End Comment), but also stressed that these forces would need to be called "RS Police." Preservation of the name "RS Police" was a political imperative for him, Dodik stressed, adding, otherwise he could not secure support for his decision to transfer control of the police from the entity to the state. Tihic also urged Dodik to accept the proposal for a greater Sarajevo police

force.

¶ 7. (C) Silajdzic rejected Dodik's proposal out of hand. The PRD report and the timeline are a compromise, he said, repeating his familiar mantra, and he would not make any more concessions to the RS. The name "RS Police" was completely unacceptable. The RS Police had committed genocide, Silajdzic continued. Police reform needed to result in local police forces and areas based strictly on technical criteria which "crossed the inter-entity boundary line everywhere." Silajdzic then went further, underscoring that any reference to "Republika Srpska" as well as to "RS Police" in police reform legislation would be unacceptable. Schwarz-Schilling asked Silajdzic how Bosnia would make progress towards Euro-Atlantic integration, if he took such an uncompromising approach. "(The international community) will not make any more progress at our expense," Silajdzic responded angrily. Silajdzic's refusal to budge brought the talks to an end.

Comment

¶ 8. (C) There was consensus among the international participants in the March 12 talks that Dodik had made a major concession, one that would have paved the way for a deal on police reform (albeit after some additional likely tough negotiating over the addendum to the PRD report), had Silajdzic and Tihic accepted it. For the first time since political talks began, Tihic presented positions at odds with those offered by Silajdzic, which suggests, unlike Silajdzic, he may have grasped the significance of Dodik's proposal. Silajdzic told the Ambassador he would not accept anything less than complete extinction of the RS Police. Publicly, we, OHR, and the EC plan to stress that the talks produced a lot of movement and the absence of agreement was disappointing. Privately, the EC Ambassador said he will recommend Commissioner Rehn deliver a stern message to Silajdzic making clear that Silajdzic is disproportionately responsible for the talks' collapse. In the meantime, OHR sees its main challenge now as keeping Dodik's offer on the table while developing a strategy for moving the Bosniaks to

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more reasonable ground.

MCELHANEY